THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 24-11-2005

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WRIT PETITION No.24743 OF 2005

Between:

J.Kiranmaya . . .Petitioner

And

Transmission Corpn of A.P., Hyderabad and others . . .Respondents

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WRIT PETITION No.24743 OF 2005

O R D E R:

The petitioner states that she has been adopted by late J.Basavaiah, who was employed with the first respondent Corporation. Mr. J.Basavaiah died on 26-04-2002. Alleging that she alone is the legal heir and successor of late J.Basavaiah, she submitted her claim for payment of retirement benefits. When her request was not acceded to, she filed W.P.No.21305 of 2002. The said writ petition was allowed through order, dated 17-01-2005. The Writ Appeal filed

against the same was dismissed. She is said to have been extended the terminal benefits of late J.Basavaiah. She submitted a representation for extending the benefit of family pension. Her grievance is that the respondents have not passed any orders so far.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The entitlement of the petitioner to receive the terminal benefits or death-cum-retirement benefits in respect of late Basavaiah, was determined by this Court in WP.No.21305 of 2002. Now, the dispute is about the sanction of family pension.

The question as to whether the rules in vogue permit sanction of family pension to the daughter of a deceased employee, needs to be considered by the respondents. The entitlement of the petitioner as a successor to the deceased employee, is no more in dispute. The respondents cannot keep the matter pending indefinitely.

For the foregoing reasons, the writ petition is disposed of directing the respondents to pass appropriate orders on the claim of the petitioner for family pension, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

24th NOVEMBER, 2005.

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